

FILED

10 FEB -2 PM 3:32

CLERK OF DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

Milord A. Keshishian, SBN 197835  
John G. Jahrmarkt, SBN 175569  
MILORD & ASSOCIATES, P.C.  
2029 Century Park East, Suite 2100  
Los Angeles, California 90067  
Tel: (310) 226-7878  
Fax: (310) 446-7879  
[milord@milordlaw.com](mailto:milord@milordlaw.com)  
[john@milordlaw.com](mailto:john@milordlaw.com)

Attorneys for Plaintiff  
MILK & HONEY APPAREL, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Milk & Honey Apparel, Inc., a  
California Corporation, dba Division E,

Plaintiff,

vs.

Aspen Licensing International, Inc., a  
Florida Corporation,

Defendant.

Case No. **CV 10-00750-SVW(MAN)**

**COMPLAINT FOR:**

**1. Declaratory Judgment 15 U.S.C. §  
1132 and Lanham Act § 43(a) (15  
U.S.C. § 1125)**

**JURY TRIAL DEMANDED**

Plaintiff Milk & Honey Apparel, Inc. ("Milk & Honey") by and through its undersigned attorneys, sues Defendant Aspen Licensing International, Inc. ("ALI"), and alleges:

**THE PARTIES**

1. Plaintiff MILK & HONEY is a California corporation having a place of business at 3461 East 14<sup>th</sup> Street, Los Angeles, CA 90023. MILK & HONEY also

1 conducts business under its "Division E" fictitious business name, which also serves as  
2 its trademark.

3 2. Upon information and belief, Defendant ALI is a California corporation  
4 having a principal place of business at 6047 Bristol Parkway, Culver City, CA 90230.

### 5 **JURISDICTION AND VENUE**

7 3. The Court has jurisdiction over the subject matter of this action pursuant to  
8 28 U.S.C. §§ 1331, 1338(a) and (b), the Copyright Act, 17 U.S.C. § 101 et seq., the  
9 Lanham Act, 15 U.S.C. §§ 1125 and 1121 et seq., and pursuant to 28 U.S.C. §§ 2201 (a)  
10 and 2202. The Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

11 4. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) and  
12 (c), and §1400(b) because Defendants conduct business in this District, reside in this  
13 District, and a substantial part of the events or omissions giving rise to the claim occurred  
14 in this District.

### 15 **FACTS COMMON TO ALL COUNTS**

17 5. MILK & HONEY is a designer and creator of various lines of apparel that  
18 are sold by numerous brick-and-mortar retailers and on-line retailers.

19 6. MILK & HONEY advertises and sells a certain line of jeans/denim  
20 prominently marked with its DIVISON-E trademark ("Subject Products"). The  
21 DIVISION-E trademark identifies MILK & HONEY as the source of the Subject  
22 Products and assures consumers of the high level of quality, design, appeal and customer  
23 satisfaction with which the DIVISION-E brand has become associated.

24 7. In or about the fall of 2007, MILK & HONEY began offering jeans -- under  
25 its DIVISION E trademark -- that included the descriptor "Aspen." As used in the jeans  
26 industry, the term "Aspen" is generic, referring to a denim wash that is light in color  
27 relative to traditional washes or to the structure of the leg designs of the jeans. It is no  
28 coincidence that the term "Aspen" is used in this manner as it is evocative of the bark of

1 the Aspen tree, or the wider base thereof. Examples of such generic uses are included in  
2 EXHIBIT 1 attached hereto. Upon information and belief, most, if not all of these parties  
3 are not licensees of ALI.

4 8. Upon information and belief, ALI itself does not manufacture or sell any  
5 products. Rather, ALI allegedly licenses its "Aspen" slogans to third parties for use on a  
6 line of products. A true and correct copy of ALI's website is attached hereto as EXHIBIT  
7 2.

8 9. Upon information and belief, ALI's various slogans that incorporate the term  
9 "Aspen" and evoke that sense of "lifestyle" have been registered with the USPTO and  
10 include U.S. Registration Nos. 1,810,824; 884,709; 884,710; 1,102,787; 1,187,768;  
11 1,187,769; 1,236,423; 1,236,424; 1,751,333; 1,798,796; 1,827,545 and 2,383,524 for  
12 various items of clothing.

13 10. Whenever MILK & HONEY uses the term "Aspen," it is used to describe  
14 the wash or cut of its jeans. MILK & HONEY always uses its DIVISION E mark as the  
15 source identifier in association with the generic term "Aspen." For example, MILK &  
16 HONEY advertises one of its jean designs as "Division E Clothing - Men's Aspen Danni  
17 Bootleg Denim Jeans."

18 11. On October 29, 2009, the Vice President of ALI sent correspondence to  
19 Plaintiff accusing it of infringement "on [ALI's] rights" by "selling the Division E Aspen  
20 Boot Stretch Jean" among others. A true and correct copy is attached hereto as EXHIBIT  
21 3.

22 12. On November 23, 2009, MILK & HONEY's counsel sent correspondence,  
23 see EXHIBIT 1, contesting the charges of infringement.

24 13. On November 30, 2009, ALI sent a response continuing to charge  
25 infringement. A true and correct copy is attached hereto as EXHIBIT 4.

26 14. On January 4, 2010, ALI sent additional correspondence threatening to  
27 "enter a suit in a Federal Court." A true and correct copy is attached as EXHIBIT 5.

28 15. ALI has and continues to threaten MILK & HONEY with litigation in

1 Florida if MILK & HONEY does not agree to cease sales of its products and pay ALI.

2 16. Accordingly, ALI's charges of infringement and demands for payment have  
3 created an actual, substantial and justiciable case or controversy between MILK &  
4 HONEY and Defendant concerning the right of MILK & HONEY to manufacture and  
5 sell the Subject Products and use the generic and/or descriptive term "Aspen."  
6 Furthermore, to the extent, if any, that apprehension of suit remains relevant to  
7 considerations of jurisdiction for declaratory judgment, MILK & HONEY has a  
8 reasonable apprehension of imminent suit by Defendant.

9 17. As a result of Defendant's acts and statements as alleged herein, MILK &  
10 HONEY has and continues to suffer substantial injury and damage, and has lost gains,  
11 profits and/or advantages, which it would otherwise have obtained, but for Defendant's  
12 acts.

### 13 **COUNT I**

#### 14 **Declaration of Non-Infringement**

#### 15 **15 U.S.C. § 1132(a) and 15 U.S.C. § 1125**

16 18. MILK & HONEY hereby realleges and incorporates the allegations in  
17 paragraphs 1 to 17 of the complaint as if fully set forth herein.

18 19. Due to several factors, including but not limited to: MILK & HONEY's  
19 generic and/or descriptive, non-trademark use of "Aspen;" the use of MILK & HONEY's  
20 DIVISION E trademark to identify the goods associated with the generic and/or  
21 descriptive term "Aspen"; the extensive third party usage of "Aspen" as a generic term on  
22 jeans; and the differences in trade channels and purchasing environments between MILK  
23 & HONEY and ALI's products, there is no likelihood of confusion, sponsorship or  
24 affiliation between the MILK & Honey DIVISION E products and ALI's "Aspen"  
25 slogans registered with the USPTO.

26 20. MILK & Honey is entitled to a declaratory judgment from this Court that the  
27 MILK & HONEY DIVISION E jeans, generically described with the term "Aspen," do  
28 not infringe ALI's registered "Aspen" slogans, unfairly compete (15 U.S.C. § 1125) with

ALI or otherwise violate any rights of ALI.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff MILK & HONEY prays for judgment against ALI as follows:

A. For a declaration from this Court that Plaintiff's past, present and continued sale of DIVISION E jeans with the term "Aspen" does not constitute an infringement of ALI's slogans registered with the USPTO, unfairly competes with ALI, or otherwise constitutes a violation of any of ALI's rights;

B. For a declaration from this Court that Defendant, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation or otherwise in privity with it, be permanently enjoined and restrained from instituting, prosecuting or threatening any action against MILK & HONEY, or any of its related affiliates, or anyone in privity with it with respect to its manufacture and sales of the DIVISION E jeans with the associated term "Aspen";

C. For a declaration from this Court that the works itemized in the subject registration are in the public domain;

D. For costs of suit incurred, including, but not limited to reasonable attorneys' fees;

E. That this Court grant such other and further relief that it deems just and proper.

Dated: February 1, 2010

Respectfully submitted,

**MILORD & ASSOCIATES, P.C.**



Milord A. Keshishian

John G. Jahrmarkt

Attorneys for Plaintiff

MILK & HONEY APPAREL, INC.

**DEMAND FOR JURY TRIAL**

Plaintiff, through its attorneys of record, hereby demands trial by Jury.

Dated: February 1, 2010

**MILORD & ASSOCIATES, P.C.**



Milord A. Keshishian

Attorneys for Plaintiff

MILK & HONEY APPAREL, INC.

MILORD & ASSOCIATES, PC  
2029 Century Park East, Suite 2100  
Los Angeles, CA 90067  
(310) 226-7878

**EXHIBIT 1**

LAW OFFICES OF  
**MILORD & ASSOCIATES**  
A PROFESSIONAL CORPORATION  
2029 CENTURY PARK EAST  
SUITE 2100  
LOS ANGELES, CA 90067  
TELEPHONE (310) 226-7878  
FACSIMILE (310) 226-7879

November 24, 2009

**Via E-Mail To: Linda@aspenlicensing.com**

**Confirmation Via U.S. Mail**

Ms. Linda Dushman  
Aspen Licensing International Inc.  
2020 Seabird Way  
Riviera Beach, FL. 33404

Re: Generic and Descriptive Word "Aspen"  
Our Ref. No.: BEN08-007L

Dear Ms. Dushman:

Your letter of October 9, 2009 to Division E has been forwarded to us for response. Please direct all future correspondence to our attention as we serve as intellectual property counsel to Division E. It is Division E's policy to respect the **valid** intellectual property rights of others and the company takes all infringement assertions very seriously. Division E denies Aspen Licensing International, Inc.'s ("ASI") assertions of purported trademark infringement and counters that ASI cannot – as a matter of law – possibly maintain any trademark action with respect to the purported "Aspen" mark.

**I. Non-Infringement**

To establish its trademark infringement claims, ASI must show: (1) protectable rights in its marks, and (2) a likelihood of confusion arising out of Division E's use of confusingly similar marks. *KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc.*, 408 F.3d 596, 602 (9th Cir. 2005).

ASI cannot meet the first element of infringement because it has no protectable rights in the purported "Aspen" mark with respect to jeans. As used in the jeans industry, the term "Aspen" is generic and descriptive, referring to a denim wash that is light in color relative to traditional washes. It is no coincidence that the term "Aspen" is used in this manner as it is evocative of the bark of the Aspen tree, which is characterized by being very light in color. Even a cursory search of the catalogues of several jeans manufacturers makes clear that the use of the term "Aspen" to refer to what, in simplest of terms, can only be described as a color, is widespread. A non-exhaustive illustration of several manufacturer's generic use of the "Aspen" word is attached hereto as EXHIBIT A. Indeed, Aspen's use as a color description in reference to jeans is so encompassing, that the term merits no protection in trademark the milieu due to its generic and descriptive nature. *CG Roxanne LLC v. Fiji Water Co., LLC*, 569 F. Supp. 2d 1019



Ms. Linda Dushman

November 24, 2009

Page 2

(N.D. Cal. 2008) (“If the primary significance of the trademark is to describe the type of product rather than the producer, the trademark is a generic term and cannot be a valid trademark.”) (citations omitted); *Colt Def. LLC v. Bushmaster Firearms, Inc.*, 2005 U.S. Dist. Lexis 20874 (D. Me. Sept. 20, 2005) (“[A] mark can become generic through public usage causing to become a victim of genericide.”); see also, *Pilates, Inc. v. Current Concepts, Inc.*, 120 F. Supp. 2d 286, 304 (S.D.N.Y. 2000) (“The evidence described above shows that PILATES is understood by the public to refer to either the Pilates method (as in “I do Pilates”) or to products or services used in connection with the Pilates method (as in “Pilates equipment” or “Pilates instruction”). In both uses of the word, the primary significance of PILATES is as a method of exercise, not as a source of a product or service.”).

Ignoring the generic nature of “Aspen,” the only possible way any entity could maintain a trademark infringement action with respect to the term and jeans is if it demonstrated that the term “Aspen” had acquired secondary meaning, *i.e.*, that consumers make a seamless connection between the term “Aspen” and a specific manufacturer that produces jeans. *Filipino Yellow Pages, Inc. v. Asian Journal Publi’n, Inc.*, 198 F.3d 1143, 1147 (9th Cir. 1999). Surely, ASI is not willing to advance such a fatuous and unlikely position, especially in light of the fact that, based on our research, ASI does not appear to manufacture any product at all, much less jeans.

Nor can ASI meet the second element of trademark infringement, as no consumer would likely confuse Division E’s (as well as several other manufacturers) use of the term “Aspen” as a source identifier of jeans that come from a company that does not even manufacture jeans. In determining whether confusion is likely, the Ninth Circuit considers the following factors: In determining whether confusion between related goods is likely, the following factors are relevant: (1) strength of the mark, (2) proximity of the goods, (3) similarity of the marks, (4) evidence of actual confusion, (5) marketing channels used, (6) type of goods and the degree of care likely to be exercised by the purchaser, (7) defendant’s intent in selecting the mark, and (8) likelihood of expansion of the product lines. *AMF, Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-49 (9th Cir. 1979). Here, a non-exhaustive application of the foregoing factors weighs heavily in favor of non-infringement for the following reasons:

- (1) ASI’s mark has little if any strength;
- (2) There is no proximity of goods as ASI does not manufacture jeans;
- (3) There is no similarity of marks—ASI’s mark features an elision of a tree and a mountain with the word “Aspen” encased therein, whereas Division E does not even use “Aspen” as a mark, but rather, only to describe a denim wash, *e.g.* “DIVISION E Aspen Boot Stretch Jean” as reflected in your correspondence;
- (4) ASI has produced no evidence of actual confusion;
- (5) Division E produces high-end jeans, and as such, its customers are knowledgeable and readily understand that the term “Aspen” refers to a color (customers choose Division E because of the brand, not the use of the word “Aspen”); and
- (6) Division E’s intent on using the term “Aspen” was in conformance of the whole jeans industry, which uses the term to describe a denim wash, *i.e.*, Division E’s use of “Aspen” constitutes a generic and descriptive use, which did not function

Ms. Linda Dushman  
November 24, 2009  
Page 3

as a source indicator.

## II. Fair Use

Even if ASI could demonstrate that Division E's use of the term "Aspen" infringed on any of the former's rights—which, it cannot—Division E is shielded by the defense of fair use. The Ninth Circuit has identified two forms of fair use: "‘classic fair use,’ in which ‘the defendant has used the plaintiff's mark to describe the defendant's *own* product,’ and ‘nominative fair use,’ in which the defendant has used the *plaintiff's* mark ‘to describe the plaintiff's product’ for the purpose of, for example, comparison to the defendant's product.” *Cairns v. Franklin Mint Co.*, 292 F.3d 1139, 1150 (9th Cir. 2002) (citations omitted) (emphasis as in original). To establish the “classic” fair use defense, Division E need only prove: (1) that its use of the term is not as a trademark or service mark; (2) that it used the term “fairly and in good faith”; and (3) that it used the term “only to describe its goods or services.” *Horphag Research Ltd. v. Pellegrini*, 337 F.3d 1036, 1041 (9th Cir.2003) (citations omitted).

Here, Division E's use of the term "Aspen" falls squarely within the meaning of a “classic” fair use. Division E used the term in a non trademark manner, it used the term fairly and in good faith (and in conformance with industry custom), and it only used that term in reference to its own products, and specifically, to identify their color and/or wash.

Should you have any questions or comments concerning the foregoing, please feel free to contact us. This letter does not constitute a waiver of any of the rights and remedies that our client may have in law and equity, all of which are hereby expressly reserved.

Sincerely,

MILORD & ASSOCIATES

A handwritten signature in black ink, appearing to read 'Milord A. Keshishian', with a long horizontal flourish extending to the right.

Milord A. Keshishian

MAK/svt  
Enclosures as stated

cc: Division E

## EXHIBIT A

[Welcome](#) [Browse](#) [Coupons](#) [Personal Shopper](#) [Blog](#)Questions? Comments? [Send us feedback.](#)

### More by Citizens Of Humanity

Accessories 16  
Day Dresses 38  
Evening Wear 4  
Handbags 109  
Jewelry 14  
Outerwear 8  
Pants 3  
Shirts & Blouses 1  
Shoes 44  
Skirts 13  
Sunglasses 13  
Sweaters & Hoodies 4  
Swimwear 1  
Tops 12

Looking for "Citizens of Humanity 'Crystal' Bell Bottom Stretch Jeans (Aspen Wash)?" Love it!



» view more by Citizens Of Humanity  
» view more from Nordstrom  
» view more denim

### Citizens of Humanity 'Crystal' Bell Bottom Stretch Jeans (Aspen Wash)

was: \$224.00 now: \$109.90

Soft, lightweight stretch denim with a faded blue wash is shaped into flared-leg jeans styled with a wide topstitched hem and signature embroidered back pockets. Color(s): aspen wash. Brand: Citizens of Humanity.

## Start Shopping

[apparel](#) • [brands for her](#) • [brands for him](#) • [merchants](#)

### Apparel for All

[See All Products](#)

Denim 121  
Pants 6  
Shorts 5  
Maternity Wear 4  
Denim 3  
Suits & Separates 3  
Skirts 2  
Sweaters & Hoodies 2  
Tops 1  
Day Dresses 1  
Petite Shop 1

### Merchants

[See All Products](#)

Shopbop.com 41  
Bloomingdale's 41  
Nordstrom 25  
Fashion Chateau 20  
NET-A-PORTER.COM 10  
YOOX 7  
eLUXURY.com 5

### Price

[All Prices](#)

Below \$100  
\$100 - \$200  
\$200 - \$300  
\$300 - \$400  
\$400 - \$500  
\$500 - \$1000  
Above \$1000

sort by: Popularity

num: 30

showing 1 to 30 of 148

1 2 3 4 5



Citizens of Humanity  
Boho denim shorts  
NET-A-PORTER.COM

\$163.00



Citizens of Humanity  
Wide leg jeans  
NET-A-PORTER.COM

\$114.50  
\$229.00 (50% off)



Citizens of Humanity  
Wide leg jeans  
NET-A-PORTER.COM

\$146.25  
\$195.00 (25% off)



Citizens of Humanity  
Geneva Avedon jeans  
NET-A-PORTER.COM

\$112.20  
\$187.00 (40% off)



Citizens of Humanity  
Kelly bootcut jeans  
NET-A-PORTER.COM

\$220.00



Citizens of Humanity  
Wide leg jeans  
NET-A-PORTER.COM

\$129.00  
\$215.00 (40% off)



Citizens of Humanity  
Wide leg jeans  
NET-A-PORTER.COM

\$129.00  
\$215.00 (40% off)



Citizens of Humanity  
Kelly bootcut jeans  
NET-A-PORTER.COM

\$150.00



Citizens of Humanity  
Maternity 'Kelly'  
Nordstrom

\$112.90  
\$189.00 (40% off)



Citizens of Humanity  
'Dita' Bootcut Stretch  
Nordstrom

\$158.00



Citizens of Humanity  
'Ingrid' Stretch Jeans  
Nordstrom

\$158.00














Citizens of Humanity  
'Hutton' High Rise Wide  
Nordstrom

\$154.00



Sale

All Products  
On Sale  
Not On Sale

Citizens of Humanity Kelly Bootcut in Big Sur Fashion Chateau	Citizens of Humanity Ingrid Flare in Big Sur Fashion Chateau	Citizens of Humanity 'los' Stretch Denim Nordstrom	Citizen Of Humanity By Jerome Dahan Jeans YOOX	Citizens of Humanity Ava Straight Leg in Fashion Chateau	Citizens of Humanity Birkin in Black Velour Fashion Chateau
\$167.00	\$168.00	\$158.00	\$179.00 \$298.00 (40% off)	\$163.00	\$172.00
					
Citizens of Humanity Birkin in Royal Nautical Fashion Chateau	Citizens of Humanity Ingrid Flare in Sierra Fashion Chateau	Citizens of Humanity Avedon skinny leg NET-A-PORTER.COM	Citizens of Humanity 'Amber High Rise' Nordstrom	Citizens of Humanity Women's Ingrid Flare Bloomingdale's	Citizen Of Humanity By Jerome Dahan Jeans YOOX
\$242.00	\$189.00	\$108.00 \$180.00 (40% off)	\$163.00	\$158.00	\$138.00 \$228.00 (39% off)
					
Citizen Of Humanity By Jerome Dahan Jeans YOOX	Citizen Of Humanity By Jerome Dahan Jeans YOOX	Citizens of Humanity 'Kelly' Bootcut Stretch Nordstrom	Citizens of Humanity 'Kelly' Crop Stretch Nordstrom	Citizens of Humanity 'Ava' Straight Leg Nordstrom	
\$178.00 \$208.00 (14% off)	\$245.00 \$288.00 (15% off)	\$158.00	\$150.00	\$163.00	

1 2 3 4 5

Popular Brands: [marc by marc jacobs day dresses](#) [versace day dresses](#) [alice + olivia day dresses](#) [chloe day dresses](#) [christian louboutin shoes](#) [jimmy choo shoes](#) [steve madden shoes](#) [ugg shoes](#) [true religion denim](#) [7 for all mankind denim](#) [joe's jeans denim](#) [lucky brand jeans denim](#) [prada handbags](#) [dolce & gabbana handbags](#) [juicy couture sweaters & hoodies](#) [brooks brothers dress shirts](#) [nike shoes](#) [lacoste tees and polos](#)

Women Directory: [accessories](#) [activewear](#) [day dresses](#) [denim](#) [evening wear](#) [fragrances](#) [handbags](#) [intimates and sleepwear](#) [jewelry](#) [maternity wear](#) [outerwear](#) [pants](#) [petite shop](#) [plus sizes](#) [shirts and blouses](#) [shoes](#) [shorts](#) [skirts](#) [suits and separates](#) [sunglasses](#) [sweaters and hoodies](#) [swimwear](#) [tees and tanks](#) [tops](#)

Men Directory: [athletic wear](#) [big and tall](#) [denim](#) [dress pants](#) [dress shirts](#) [fragrances and accessories](#) [jewelry and watches](#) [outerwear](#) [pants](#) [polos and tees](#) [shoes](#) [shorts and swimwear](#) [sportcoats and jackets](#) [suits](#) [sunglasses](#) [sweaters](#) [ties and belts](#) [underwear and socks](#) [wallets and luggage](#)

Who we are <a href="#">About WearIt.com</a> <a href="#">Read our blog</a> <a href="#">Press center</a>	What we do <a href="#">Browse products</a> <a href="#">Redeem coupons</a> <a href="#">Personal shopper</a>	How we can help <a href="#">Fashionably asked questions</a> <a href="#">Send us feedback</a> <a href="#">Terms of service</a> <a href="#">Privacy policy</a>	Where we shop <a href="#">Nordstrom's</a> <a href="#">Net-A-Porter</a> <a href="#">Macy's</a> <a href="#">Bloomingdale's</a>
---	---	--	--

[// Home](#) // [Locations](#) // [Facebook](#) // [MySpace](#) // [Twitter](#) // [Sign Up](#) // [Contact](#)[Women](#)[Men](#)[Check Out >>](#)[Log in](#)  
[About](#)  
[Policy](#)  
[Contact](#)[<< Online Store Home](#)

## DL1961 Sally in Aspen

[View More Images](#)**Price: \$168.00**

Can a pair of jeans project confidence, be trendy and sexy, yet flatter every body? The answer is found with DL1961 - a premium denim company based in New York that is redefining what it means to have the perfect pair of jeans. These DL1961 Sally slim straight medium-rise jeans in the Aspen wash have a patented cross-weave 4-way stretch technology for 360 degree comfort. - Front Rise 7 1/2" - Leg Opening 12 1/2" - Zip Fly - Small Logo Embroidery On Back Pocket - Inseam 34"

**Product Options**Size (#): Quantity:  [Add to Cart](#)[Email this page to a friend](#)[Home](#) | [About Us](#) | [Contact Us](#) | [My Account](#) | [Return Policy](#) | [Sitemap](#) | [Cart Help](#)

© 2009 Bill Hallman Online Store



[My Tobii](#) | [Order Status](#) | [Sign Up](#) Your bag is empty **CHECKOUT**

LOOKBOOK

EDITORIAL

GIFT CARD

FREE SHIPPING, EASY RETURNS!

[Back to List](#)[Previous Item](#)[Next Item](#)

Brands

Categories

7 For All Mankind  
A.P.C.  
Acne Jeans  
AG Jeans  
AK Vintage Jewelry  
Alexander Wang  
Alife  
Allison Daniel  
Alternative Apparel  
Anouk  
BB Dakota  
Belle by Sigerson Morrison  
Black Halo  
Blank  
Botkier  
C&C California  
Cheap Monday  
Chie Mihara  
Circadian Studios  
Citizens of Humanity

Rollover to zoom | [Click to view large image](#)

## Hudson Jeans Signature Bootcut Jeans in Aspen

HUDWDNMW170

**\$176 \$70 FINAL SALE**

(Non-Refundable and Non-Exchangeable)

Color [Aspen](#)Size [24](#) [Sizing Guide](#)

Qty

**Currently Sold Out**

Need help? Or style advice?  
click here, or  
Call a stylist @ 1.866.344.7231

 **SHARE**   

These Signature Bootcut Jeans are quintessential Hudson, with their double button closure and back flap pockets that add lift to the rear. In a grey Aspen wash with fading, these jeans have that worn-in look while still exuding polish. The curve-enhancing fit is just right for girls with boyish figures.

Note: These jeans are constructed of stretch denim.

- 98% cotton, 2% polyurethane
- Made in the U.S.A.
- Wash: Aspen
- 29" actual waistband
- 33" inseam
- 7.25" front rise
- 12" back rise
- 20" at upper thigh
- 14.5" at the knee
- 19" at the leg opening

Measured on a size 26, dimensions may vary with size.

Janna is wearing a size 26.  
Janna's profile: height 5'9", waist 25", hips 35", bust 32"

### People Who Viewed Hudson Jeans Signature Bootcut Jeans in Aspen in Aspen Ultimately Bought

Hudson Jeans  
Signature Bootcut  
Jeans in Anvil in  
Anvil  
[Hudson Jeans  
Signature Bootcut  
Jeans in...](#)



[WeSC Slim  
Straight Leg  
Jeans in Rinse...](#)

T-Bags Long  
Rope Tie Halter  
Dress in Lemon  
T-Bags Long  
Rope Tie Halter  
Dress in Lemon

BB Dakota  
Edmonds Top in  
Black  
BB Dakota  
Edmonds Top in  
Black

# let's keep in touch!

Join us and get access to the latest arrivals,  
stylist advice, and exclusive offers.

**Let's keep in touch by email!** **Chat with a 1-to-1 Stylist**

Is

[Boots](#) [J. Lindeberg](#) [Juicy Couture](#)  
[ue Religion Jeans](#)

AFFILIATE PROGRAM



- [Home](#)
- [Subscribe](#)

### [Celebrity Clothes](#)

Your online source for celebrity clothes



## New PRVCY Denim Jeans Barbados Straight Flap Aspen

Ok, for those of you who love the PRVCY Jeans in the Malibu bootcut but have been looking for the same style only in the straight cut... Here's your Jean.

The PRVCY Denim Jean in the Barbados Straight cut has that same great fit in the butt only it is a straight leg with the flap pocket in the Aspen wash. This is just one of my many favorites!

I am loving the new styles that PRVCY has been coming out with. I think that these are better then the True Religion Jeans.

Support the lifeline on your Butt and Get your PRVCY ON!

Leave a Comment

<input type="text"/>	Name *
<input type="text"/>	E-mail *
<input type="text"/>	Website
<input type="text"/>	
<input type="submit" value="Submit"/>	

Previous post: [Hot New Celebrity Clothes](#)

- **Celebrity Clothes Specialists**

Looking to buy celebrity clothes online? Search no more. We have been selling quality celebrity clothes people just like you for quite some time now. We offer a large selection of Joe's Jeans, PRVCY, LnA, LinQ and much, much more! For more information, visit our website, call 602.774.4957 or fill out the form below.

- **Recent Topics**

- [New PRVCY Denim Jeans Barbados Straight Flap Aspen](#)
- [Hot New Celebrity Clothes](#)
- [PRVCY Men's Jeans](#)
- [Looking good in trendy celebrity clothes!](#)

- **Contact Form**

Your Name (required)

Your Email (required)

Subject

Your Message

Send



[Internet Marketing](#)

By Netwirks LLC

[home page](#)[new products](#)[specials](#)[my account](#)[contact us](#)

**\* Wholesale Urban, Hip Hop Clothing & Designer Apparel \***



## THIS SPRING'S HOTTEST FASHIONS

- RED MONKEY
- EVISU
- ED HARDY
- ROCA WEAR
- ARTFUL DODGERS
- MANY MORE!

[Get these looks ▶](#)

**ORDER NOW!**  
**CALL TOLL FREE**  
**1.877.252.4914**

ONE STOP  
**SHOPPING**  
FOR ALL YOUR  
**CLOTHING!**

\* LIST PRICES ARE PER DOZEN OR  
1/2 DOZEN BASED ON PRODUCTS

**WHOLESALE  
APPAREL FOR  
MEN \* WOMEN \* KIDS**

**MEN'S & LADIES  
PLUS SIZES AVAILABLE!!  
TOPS & BOTTOMS**

**NAME BRANDS 100% AUTHENTICITY! AT LOW PRICES!**

[VIEW DETAILS ▶](#)

### Categories

- CHAMPAGNE (2)
- DESIGNER HOODIES (7)
- DONNAVINCI (2)
- ELEGANCE COUTU (2)
- FIFTH SUNDAY (2)
- GMI (2)
- HARMONY (6)
- JEANS
- KIDS CLOTHING (21)
- LADIES JACKETS
- LILLY AND TAYL (2)
- LISA REME (2)
- LONG & TALL
- T-SHIRTS (10)
- LONG RAPPER
- T-SHIRTS (28)

Top » Catalog » SEAN JOHN » HJ52818

[Click to enlarge](#)

**\$323.40**

#### MEN'S SEAN JOHN "ASPEN" JEANS

[HJ52818]

Men's Sean John "Aspen" Jeans

Color: Aspen Wash

Retail: \$72.00

Our Price: \$26.95

minimum order 1 dozen

To order call: 510-406-7201

[REVIEWS ▶](#)[ADD TO CART ▶](#)

US Dollar

Manufacturers

Ak:CESS  
AKADEMIKS  
ARTFUL DODGER  
AZZURE  
BABE  
BABYPHAT  
BEBE  
BENMARE  
BLACKLABEL  
BROOKLYN GIRL  
COOGI  
DEREON  
DICKIES  
DIVA USA  
DODECA

LRG (14)  
MACHINE JEANS (2)  
MEN'S PLUS SIZE (7)  
MILANO (6)  
MILINAS (6)  
MOSHITA (2)  
NEW!!!DESIGNER PLUS  
SIZES (19)  
NEW!!!HANDBAGS (191)  
NEW!!!LADIES SUITS  
NUMBUS (2)  
PEPE (1)  
PLAID CLOTHING (12)  
RAW BLUE LADY (1)  
REGAL JEANS (3)  
RUSSO SPIRIT (2)  
SNEAKERS (12)  
TIMBERLAND (3)  
TODD & OLIVI (2)  
TRUE PEOPLE (2)  
MEN'S APPAREL (906)  
WOMEN'S  
APPAREL (508)  
MEN'S  
FRAGRANCES (14)  
WOMEN'S  
FRAGRANCES (14)  
MEN'S LEATHER  
JACKETS (19)  
LADIES LEATHER  
JACKETS (20)  
MOTORCYCLE  
APPAREL (31)  
MOTORCYCLE  
APPAREL (19)  
MORE LEATHER (30)

ECKO  
ECKO RED  
ED HARDY  
ENYCE  
EVISU  
FUBU  
FUNHOUSE VINTAG..  
GAZOS  
GIRBAUD  
GREEN T  
INDIGO 30  
JOHNNY BLAZE  
JON PHILLIPPE  
MISKEEN  
NEGRO LEAGUE AP..  
PHATFARM  
RED MONKEY  
REGAL JEANS  
ROCAWEAR  
**SEAN JOHN**  
SOUTH POLE

#### Tell A Friend



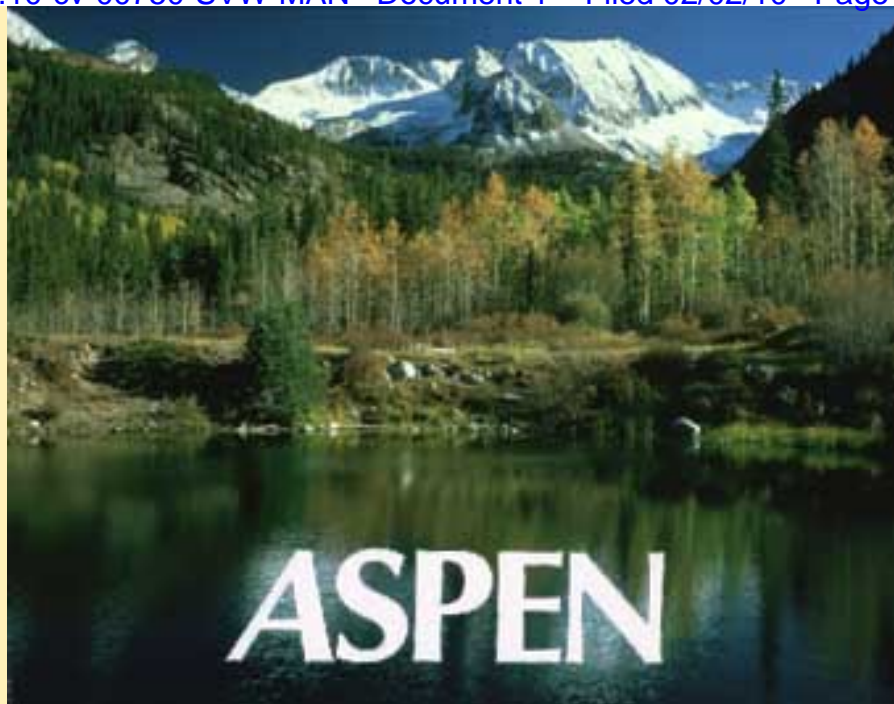
Tell someone you know  
about this product.



[Specials](#) | [Advanced Search](#) | [Reviews](#) | [Create an Account](#) | [Log In](#)  
Copyright © 2009 DesignersEmbassy | [Privacy Notice](#) | [Conditions of Use](#)

DESIGNER EMBASSY | 4000 MIDVALE AVE, OAKLAND CALIFORNIA 94602 | 510-406-7201

**EXHIBIT 2**



The Aspen® Brand was founded in the 1940's as a complete line of rugged, functional skiwear, and became a top brand for skiers demanding performance apparel for decades.

Today, the Aspen® brand has evolved far beyond the ski slopes. It not only personifies the biggest long term fashion direction to hit the marketplace in years - natural, active outdoor looks. It relates to some of the most powerful influences on our modern lifestyle: ecological concerns, an increase in outdoor recreational activities, and a new found appreciation for all things natural. This lifestyle is evident in what we eat, drive, play, and watch on television, as well as what we wear.

All products are produced and marketed by hand picked and officially licensed companies. In the United States, Aspen products are available at national chain and department stores.

Current product offerings include a wide variety of clothing, footwear and accessories for men, women and children.

International licensing representation presently exists in Europe and South America and is pending in Australia and Japan.

For licensing or product inquiries, please contact:



Aspen Licensing International, Inc.  
1649 Forum Place, Suite 12  
West Palm Beach, Florida 33401  
Tel: 561-688-1107, Toll Free: 888-642-  
7736  
Fax: 561-688-1412



click here to  
[Contact us by E-mail](#)

damn we are gewd!



**EXHIBIT 3**





Attn: Oren Benmoshe  
President  
[oren@division-e.com](mailto:oren@division-e.com)

Division E  
341 W. 31<sup>st</sup> St.  
Los Angeles, CA. 90007  
323-307-0826

October 29, 2009

Mr. Benmoshe:

Thank you for speaking with me yesterday regarding the Aspen Infringement. Aspen Licensing International Inc. is the lawful owner of the Aspen trademark for Jeans. The federal registration is class 25, # 1,810,824.

Division E is selling the Division E Aspen Boot Stretch Jean, Aspen Jean bootleg, Aspen Jean Straightleg, Aspen flap Jean, Aspen Danni Bootleg Jean, Aspen Bootcut Omega Jean, Aspen Bootcut Sand Script Wash Jean, and the Aspen Bootcut Dot Jean in dark. By selling these online, or by any means in the United States, you are infringing on our rights.

We need to discuss the options to come up with an amicable resolution. Time is of the essence.

Please contact me via e-mail at [Linda@aspenlicensing.com](mailto:Linda@aspenlicensing.com) or phone at 561-688-1107.

Sincerely,

Linda Dushman  
Vice President

ASPEN LICENSING INTERNATIONAL INC.  
2020 SEABIRD WAY · RIVIERA BEACH, FL 33404  
TEL: 561-688-1107 FAX: 561-688-1412

**EXHIBIT 4**

**From:** Bob Maltz [mailto:[bob@aiacorp.com](mailto:bob@aiacorp.com)]  
**Sent:** Monday, November 30, 2009 9:45 AM  
**To:** [milord@milordlaw.com](mailto:milord@milordlaw.com)  
**Cc:** Linda Dushman  
**Subject:** Aspen infringement

Dear Mr. Keshishian:

RE: Division E.

I am in receipt of your e-mail letter sent to Linda Dushman on November 24, 2009. In your letter, you are stating that Aspen is generic and descriptive. For your information, Aspen is a registered trademark and has been since 1949. Aspen Licensing International, Inc. has over 50 registrations both in the USA as well as worldwide for a number of classifications. Aspen Skiing Co. (owners of the Aspen mountain and resort) is a licensee of Aspen Licensing and the City of Aspen recognizes our rights.

You have also given us examples of Division E using the Aspen mark as a type of wash. This is only a small example, however, I have enclosed many Division E Jeans that are Aspen and all of these have different product numbers. None of these say Aspen wash and therefore, they do not describe a type of treatment.

The shops located in Aspen distribute all types of clothing bearing the Aspen name and this includes jeans. You also gave examples of other companies using Aspen for jeans. We are going after all of these companies and have made arrangements with some.

Therefore, we protect our rights. I would like to discuss with you an amicable arrangement to resolve this matter.

**ROBERT MALTZ**  
**ASPEN LICENSING INTERNATIONAL INC.**  
**2020 SEABIRD WAY**  
**RIVIERA BEACH, FL 33404**  
**TEL: 561-688-1107**  
**FAX: 561-688-1412**  
**EMAIL: [BOB@AIACORP.COM](mailto:BOB@AIACORP.COM)**

## Division E Aspen Bootcut Dot Jean - Dark - Anonymous Venice - Message (HTML)

File Edit View Insert Format Tools Actions Help

From: Linda Dushman [Linda@aspenlicensing.com]

Sent: Sun 11/29/2009 2:43 PM

To: Bob Maltz

Cc:

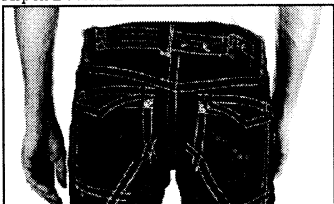
Subject: Division E Aspen Bootcut Dot Jean - Dark - Anonymous Venice

Attachments: checkout1.gif (3 KB); bag1.gif (5 KB); header\_div.gif (278 B); header\_div1.gif (278 B); header\_div2.gif (274 B); header\_div3.gif (286 B); logo.gif (37 KB); addx.gif (2 KB); keepshopping.gif (4 KB); shoppingbag.gif (4 KB); checkout2.gif (3 KB); new.gif (3 KB); onsale.gif (3 KB); ideas.gif (3 KB); hotttems.gif (3 KB); womanbybrand.gif (5 KB); womanbycat.gif (6 KB); mnew.gif (3 KB); monsale.gif (2 KB); mideas.gif (3 KB); mhotttems.gif (4 KB); mwomanbybrand.gif (5 KB); mwomanbycat.gif (6 KB); PAN\_080928\_472.jpg (128 KB); PAN\_080928\_472.jpg (5 KB); PAN\_080928\_464.jpg (5 KB); PAN\_080928\_467.jpg (4 KB); PAN\_080928\_465.jpg (5 KB); PAN\_080928\_469.jpg (5 KB); PAN\_080928\_471.jpg (5 KB); PAN\_080928\_473.jpg (5 KB); PAN\_080928\_474.jpg (5 KB); freeshipping.gif (5 KB);

[Tees: Longsleeve](#)[Tees: Short Sleeve](#)[V-Neck Shirts](#)[Wallets](#)[Watches](#)[Underwear](#)

Division E

Aspen Bootcut Dot Jean - Dark



**Search division e aspen on Buckle.com Men's Clothing - Message (HTML)**


File Edit View Insert Format Tools Actions Help


From: Linda Dushman [Linda@aspenlicensing.com] Sent: Sun 11/29/2009 1:30 PM  
 To: Bob Maltz  
 Cc:  
 Subject: Search division e aspen on Buckle.com Men's Clothing

Attachments: wings\_11-6-09\_v1\_m56577569831991198.jpg (47 KB); 5663276171505\_DSC\_th\_v1\_m56577569831689322.jpg (636 B); 5663276171505\_DSC\_msw\_v1\_m56577569831689322.jpg (636 B); 5663275921559\_R55\_th\_v1\_m56577569831645852.jpg (5 KB); 5663275921559\_R55\_msw\_v1\_m56577569831645852.jpg (606 B); B\_17x12\_v1\_m56577569831381225.gif (164 B)

All these item #'s are different! There is also 1 women's jean.  
[Enable Accessibility Enhancements](#)  
[Skip to Main Content](#)

You are not signed in. [Sign In](#) | [Register](#)

[my account](#) | [gift card](#) | [wish list](#) | [buckle credit card](#) | [help](#) | [checkout](#) | [shopping bag \(0\)](#) | 

**Buckle** 

[New Arrivals](#) [Women](#) [Men](#) [Jeans](#) [Brands](#) [Shoes](#) [BKES](#) [Style](#) [Shop](#) [Sale](#)









[Thanksgiving Week Specials](#) - Save up to 75% on select styles!

Search

**. SEARCH**

[\[reset\]](#)

- Shop by Gender
- Men's [\[remove\]](#)
- [Shop by Waist](#)
- [Shop by Inseam](#)

start |         9:11 AM

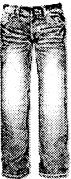

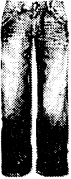
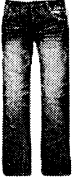
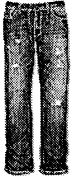
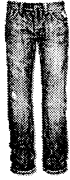






Search division e aspen on Buckle.com Men's Clothing - Message (HTML)

File Edit View Insert Format Tools Actions Help

From: Linda Dushman [Linda@aspenlicensing.com] Sent: Sun 11/29/2009 1:30 PM  
 To: Bob Maltz  
 Cc:  
 Subject: Search division e aspen on Buckle.com Men's Clothing

Attachments: wings\_11-6-09\_v1\_m56577569831991198.jpg (47 KB); 5663276171505\_DSC\_th\_v1\_m56577569831689509.jpg (6 KB); 5663276171505\_DSC\_msw\_v1\_m56577569831689322.jpg (636 B); 5663275921559\_R55\_th\_v1\_m56577569831645852.jpg (5 KB); 5663275921559\_R55\_msw\_v1\_m56577569831645689.jpg (606 B); B\_17X12\_v1\_m56577569831381225.gif (164 B)

Sort by: Best match View: 24 items

			
<a href="#">Division E Aspen Jean</a>	<a href="#">Division E Aspen Jean</a>	<a href="#">Division E Aspen Jean</a>	<a href="#">Division E Aspen Flap Jean</a>
\$ 108.00	\$ 108.00	\$ 108.00	\$ 108.00
			
<a href="#">Division E Aspen Jean</a>	<a href="#">Division E Aspen Jean</a>	<a href="#">Division E Aspen Jean</a>	<a href="#">Division E Aspen Jean</a>
\$ 108.00	\$ 108.00	\$ 108.00	\$ 98.00
			

start | Inbox - Microsoft Out... | Search division e asp... | 9:13 AM

**Division E Aspen Bootcut Dot Jean - Dark - Anonymous Venice - Message (HTML)**

File Edit View Insert Format Tools Actions Help

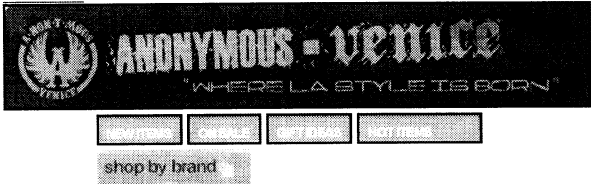
From: Linda Dushman [Linda@aspenlicensing.com] Sent: Sun 11/29/2009 2:43 PM  
 To: Bob Maltz  
 Cc:  
 Subject: Division E Aspen Bootcut Dot Jean - Dark - Anonymous Venice

Attachments: checkout1.gif (3 KB); bag1.gif (5 KB); header\_div.gif (278 B); header\_div1.gif (278 B); header\_div2.gif (274 B); header\_div3.gif (286 B); logo.gif (37 KB); addx.gif (2 KB); keepshopping.gif (4 KB); shoppingbag.gif (4 KB); checkout2.gif (3 KB); new.gif (3 KB); onsale.gif (3 KB); ideas.gif (3 KB); hotitems.gif (3 KB); womanbybrand.gif (5 KB); womanbycat.gif (6 KB); mnew.gif (3 KB); monsale.gif (2 KB); mideas.gif (3 KB); mhotitems.gif (4 KB); mwomanbybrand.gif (5 KB); mwomanbycat.gif (6 KB); PAN\_080928\_472.jpg (126 KB); PAN\_080928\_472.jpg (5 KB); PAN\_080928\_464.jpg (5 KB); PAN\_080928\_467.jpg (4 KB); PAN\_080928\_465.jpg (5 KB); PAN\_080928\_469.jpg (5 KB); PAN\_080928\_471.jpg (5 KB); PAN\_080928\_473.jpg (5 KB); PAN\_080928\_474.jpg (5 KB); freeshipping.gif (5 KB);

[Blog](#)

[Order Status](#)

[Contact Us](#)



1  
[1921 Denim](#)  
 A  
[AJ Morgan](#)  
[Alternative Apparel](#)  
[Ames Bros](#)  
[Anama](#)  
[AnM](#)  
[Anonymous Venice](#)  
 Antik Denim

start | Inbox - Microsoft Out... | Division E Aspen Boot... | 9:16 AM

Division E Clothing - Men's Aspen Danni Bootleg Denim Jeans - Message (HTML)

FileEditViewInsertFormatToolsActionsHelp

From: Linda Dushman [Linda@aspenlicensing.com]

Sent: Sun 11/29/2009 1:38 PM

To: Bob Maltz

Cc:

Subject: Division E Clothing - Men's Aspen Danni Bootleg Denim Jeans

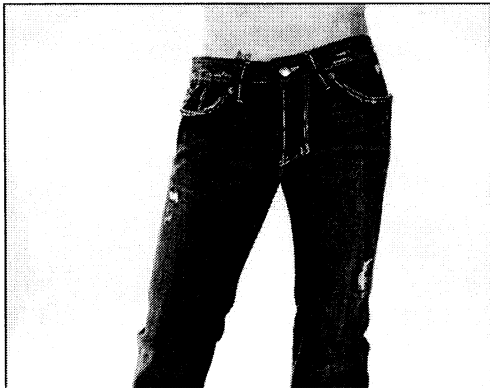
Attachments: spacer.gif (126 B); solissf\_2081\_7373856 (19 KB); solissf\_2081\_9431179 (17 KB); solissf\_2081\_60527518 (11 KB); bott\_click\_img.gif (14 KB); we\_accept.gif (18 KB); p-d352-y4OY15OU.gif (114 B); b\_P=Cr3M7dG\_QkLHRiorW9X6vQHgDKMFREsVvygACzWf&T=140m0lcV1%2FX%3d1259519784%2FE%3d23732888%2FR%3dst%2FK%3d5%2FV%3d3.1%2FW%3dJ%2FY%3dYAHOO%2FF%3d1405126320%2FQ%3d-1%2FI%3d1%2F5%3d1%

BOOKMARK THIS SITE

TELL A FRIEND

Show Cart ( Items)

Division E Clothing - Men's Aspen Danni Bootleg Denim Jeans



startInbox - Microsoft Out...Division E Clothing - ...9:15 AM



**EXHIBIT 5**

**From:** Bob Maltz [mailto:[bob@aiacorp.com](mailto:bob@aiacorp.com)]  
**Sent:** Monday, January 04, 2010 9:25 AM  
**To:** [milord@milordlaw.com](mailto:milord@milordlaw.com)  
**Cc:** [Linda@aspensicensing.com](mailto:Linda@aspensicensing.com)  
**Subject:** Aspen infringement

Dear Mr. Keshishian:

RE: Division E.

I had e-mailed you on November 30th concerning the infringement of Division E. I have not heard from you since that time. Please be advised that Division E. products are still greatly advertised using the Aspen name and this is not for the type of treatment or wash of the jeans.

Please get back to me so that we can come up with an amicable solution to this problem as we do not want to interrupt business and get the retailers involved. If we cannot settle this, we will have no choice but to enter a suit in a Federal Court.

**ROBERT MALTZ**  
**ASPEN LICENSING INTERNATIONAL INC.**  
**2020 SEABIRD WAY**  
**RIVIERA BEACH, FL 33404**  
**TEL: 561-688-1107**  
**FAX: 561-688-1412**  
**EMAIL: [BOB@AIACORP.COM](mailto:BOB@AIACORP.COM)**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

**CV10- 750 SVW (MANx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

## Name &amp; Address:

Milord A. Keshishian, SBN 197835  
 milord@milordlaw.com  
 MILORD & ASSOCIATES, PC  
 2029 Century Park East, Suite 2100  
 Los Angeles, CA 90067  
 Tel: 310-226-7878 Fax: 310-226-7879

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

MILK & HONEY APPAREL, INC., a California  
 Corporation, dba Division E

CASE NUMBER

PLAINTIFF(S)

v.

CV 10-00750-SVW(MAN)

ASPEN LICENSING INTERNATIONAL, INC., a  
 Florida Corporation

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): ASPEN LICENSING INTERNATIONAL, INC., a Florida Corporation

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Milord A. Keshishian, whose address is 2029 Century Park East, Suite 2100, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 22 FEB 2010By: Milord A. Keshishian

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) MILK & HONEY APPAREL, INC., a California Corporation, dba Division E	<b>DEFENDANTS</b> ASPEN LICENSING INTERNATIONAL, INC., a Florida Corporation
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Milord A. Keshishian, Esq. SBN 197835 (310) 226-7878 MILORD & ASSOCIATES, P.C. 2029 Century Park East, Suite 2100 Los Angeles, CA 90067	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
---	---	--	---	---	--	---

**V. REQUESTED IN COMPLAINT:** **JURY DEMAND:** ☒ Yes   ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:** ☐ Yes   ☒ No     **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Declaratory Judgment 15 U.S.C. § 1132 and Lanham Act § 43(a) (15 U.S.C. § 1125)

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	--	---	--	--

**FOR OFFICE USE ONLY:** Case Number: **CV10-00750**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events, or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges, or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
	Florida

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date February 2, 2010

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases.**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))